TO HIS HONOR PETER RUSSELL, ESQUIRE, PRESIDENT OF THE PROVINCE OF UPPER-CANADA.

SIR,

THE *Executive Council*, to which the acting surveyor-general's report respecting the townships, and other appropriated tracts in this province was referred, begs leave to submit to your Honor what has occurred to it on that important and interesting subject.

THE first object to which the board directed its attention, was to discover, if possible, the original purpose of those appropriations, and to ascertain the principles on which they were made.

THE necessity of this enquiry was suggested by observing, that the nominees of the appropriations seemed, in general, deeply impressed with ideas, to the justness of which the board could not accede without the fullest and most satisfactory evidence.

Some of them have entertained an expectation that after settling forty families in a township, on lots of two hundred acres for each family, the remainder of the township was to be their own.

Others have thought, that though they were obliged to settle two hundred families in a township, on lots of two hundred acres for each family, yet they were at liberty to sell their locations.

Others, again, were conscious that by the terms of their undertaking, they were obliged to place not less than two hundred families in each township, on lots of two hundred acres for each family, without subjecting the setlers to any other expence than the fees of office on their respective grants; yet they have seemed to entertain an expectation that in return for the trouble and expence to which such an undertaking would subject them, they were in some manner, direct, or indirect, to be gratified with a grant of waste lands of the crown, to an extent very considerably beyond twelve hundred acres.

On the most mature deliberation, the Board is perfectly satisfied, that there is not a shadow of foundation for any of these ideas, or expectations; on the contrary, it is convinced that in all appropriations which have been made, either of townships, or other tracts, the intention of this government was, that no nominee should, in any manner, or by any contrivance whatever, derive any greater, or any other advantage or emolument than a grant of twelve hundred acres to himself and each of his three principal associates, and of two hundred acres each to his inferior followers. That this, and this only, was the intenti-

on of government in making these appropriations, is manifest in whatever point of view the subject is considered.

In the first place, had it been the intention of this government to appropriate townships on any of the principles asserted by the different classes of nominees, it is reasonable to suppose that such advantages as would result from any of these systems would have been reserved for characters very different from those who, generally speaking, have been selected for the purpose of leading setlers into the province. It is highly probable that government would have gladly availed itself of so favorable an opportunity of making some amends to those highly meritorious characters, whose steady attachment to the British constitution induced them, after making every effort in support of it during the contest with the late colonies, to renounce their property and connections, and to retreat to this province, rather than submit to an authority which their consciences would not allow them to approve; nor is it likely that in thus laying a foundation of a future aristocracy, by the unequal distribution of property which would naturally follow, from even the most moderate of those systems, persons of so much merit, and who had made such sacrifices, would have been forgotten.

It is no small confirmation of the inference which this observation affords, that the nominees who have been called upon by the board to disclose the grounds on which they had founded their expectations, were wholly unable to state any that could give the smallest satisfaction to a reasonable mind. General report, and vague expressions, are all that has been cited in support of claims of such extent and magnitude, as to

make it utterly impossible to believe that this government would have omited to authenticate them by the most solemn evidence.

But, on referring to the original petitions, and the orders of council, by which the appropriations were made, the board concieves that both the principles and the conditions of those appropriations are manifest beyond the possibility of doubt. Almost all the earlier petitions, and a great many of the later, refer to the proclamation of February 1792, for the terms on which the appropriations were prayed for; and whenever the petitioners have offered other terms, there is no instance, whatever, in which those terms have been accepted, though there are many in which they have been distinctly refused.

The result of the whole enquiry has been to leave on the minds of the board the most perfect conviction, that tho' the terms on which townships were appropriated, were not, in every instance, specifically declared at the time of making the appropriation, yet, the original principles and objects of the system were never abandoned, or even lost sight of.

It is extremely well known that this province was set apart by his Majesty for the reception of those, whose adherence to his cause in the late war, had obliged them to leave their former settlements, and to seek an assylum elsewhere. These were of course the first and principal objects of the roval bounty;-- but, beside these, it was natural to suppose that there might be many, who, though strongly attached to the cause of Great-Britain, had, for various reasons, forborne to take so active a part as those of a former description; but would gladly avail

themselves of an opportunity to retire from a country, where their principles were proscribed, and where the notoriety of their attachment to these principles might expose them to insult, if not to persecution. It was also hoped that not a few would be found, who, when the warmth which is always kindled by opposition should subside, would compare their present situation with their former, and quietly return to their allegiance.

To offer a retreat to all these, the proclamation of February 1792, was issued, by which it was announced that persons willing to settle in the province of Upper-Canada, would have lands granted to them from two hundred to twelve hundred acres, according to the merit and situation of the several applicants. This proclamation naturally excited attention, and brought forward several persons who either were, or pretended to be, the agents of a great many others, for the purpose of looking out for convenient settlements for their constituents. The petitions presented to the executive government by these agents, all breathe the spirit of loyalty, and of attachment to the British constitution, and are seldom signed by less than from 150 to 200 names: they almost all refer to the proclamation for the terms on which they proposed to settle the lands, and in no one instance do they hint at any expectation of the nature which has been lately suggested by the nominees; the prayer of them being almost uniformly for an appropriation for the associates, as they were called, who coming from the same neighborhood in the states, naturally wished to settle together in this province: for the accomodation of these associates particular tracts were set apart in order that they might

choose their locations; but without the most distant idea on either side, that the setlers were to have more than the lot on which they should settle, unless the executive government should think proper to extend to any individuals among them its discretionary power of giving more than two hundred acres to such as it might deem worthy of such an indulgence.

WHETHER the applications on which these appropriations were made, were really and bona fide the applications of the persons whose names appear subscribed to the petitions, and whether the nominees who forbore, as was the case in many of the later instances, to give in the names of their constituents, and, of course, gave no security for the performance of their engagements but their own personal credit, were really disposed, and if disposed, were really able to perform those engagements, are questions of import to the characters of the parties concerned, but of none to the present enquiry. Even admitting that the object of every application was to deceive this government, the means chosen for that purpose plainly shew what those who used them thought of it, and completely refute the calumny which has been circulated against it, that it has treated its enemies better than its friends. That it has been deceived, the event has shewn in almost every instance; but that it was voluntarily deceived, or that it has deceived others, the board apprehends cannot be truly asserted in any.

UNDER these impressions the board unanimously recommends to your Honor,

1st. That all appropriations for townships, and other tracts of land heretofore made in this province, be immediately re-

scinded, and the townships or tracts thrown open to other applicants.

2d. That all persons who were really and bona fide located in any township, or tract, by the nominee, before the first of June, 1797, and since, (if there be no appearance of fraud) be confirmed in that location, to the amount of two hundred acres; but that no recommendation made by any nominee for a greater quantity be attended to, not precluding, however, the settler himself from exercising the right common to all his Majesty's subjects, of making such applications to the executive government for an addition as he shall think proper.

3d. That twelve hundred acres, including former grants, (except of military lands) be granted to each of the four principal nominees, in case there should be four, whose names are subscribed to the petition for an appropriation;—those persons, however, who happen to be nominees of more than one township, are not to receive this donation more than once.

4th. That the unsurveyed tracts be surveyed, and the unlocated be located as soon as possible.

By Order of the Board.

JOHN , C. E. C.